

INTERNATIONAL GOLDEN FOODS, INC.)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 09 CV 3875
)	
DVS AIR & SEA, INC.,)	
)	
Defendant.)	

VERIFIED
MOTION TO RECONSIDER AND VACATE ORDER(S) OF DISMISSAL
OF JUNE 24, 2010, SAID ORDER TO BECOME FINAL, WITH PREJUDICE, AFTER
JUNE 29, 2010, FOR GOOD CAUSE SHOWN, AND TO REINSTATE SAID
CAUSE PURSUANT TO 42 U.S.C. Rules 59, 60(b) and 14

NOW COMES the Plaintiff, INTERNATIONAL GOLDEN FOODS, INC., an Illinois corporation, and through its Attorney, Joseph M. Williams, and moves this Court for its order to reconsider and vacate the order and/or dismissal of June 24, 2010, for meritorious reasons, pursuant to Federal Rules 59, 60(b), and 14 (42 U.S.C.), and good cause shown, and in support thereof, state as follows:

- I.. Plaintiff had no notice of the motion to compel, filed by Defendants, heard ex parte, on June 24, 2010.
1. From time to time, Plaintiff has received Notices, Motions, etc., in this case, as required (see Exhibit A).
 2. The email currently being used by the U.S. District Court Clerk to Plaintiff's counsel was joseph9248@yahoo.net, although an earlier civil docket sheet shows a different email address.
 3. Suddenly, for reasons unknown to Plaintiff, communications from the Court Clerk were being sent to an unused email address, i.e., jlmjwilliams1@yahoo.com, an email account no longer used for any federal case handled by Plaintiff's counsel, including the instant case, to his knowledge and belief.

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4. Accordingly, Plaintiff received no notice of the Defendants' motion to compel discovery, as of June 24, 2010, having sought discovery in hand and prepared, as it is presently and not being technically savvy, counsel does not understand how the email was changed.

5. On June 11, 2010, Plaintiff's counsel came to Court for status, observed a trial going on and was given a new date of July 14, 2010 by Judge Zagel's deputy across the hall, in person.

6. Counsel subsequently learned on June 10, 2010, that the Court Clerk emailed a notice of the date change, which would have saved counsel a trip to Court, but it also was sent via the incorrect email address, one which Plaintiff's counsel did not know was used by the Clerk.

7. On July 14, 2010, Counsel again came to Court in person, believing that was the new status date, discovered the case was not on the call and went to see Judge Zagel's deputy after speaking with Judge Zagel's secretary in chambers.

8. On July 14, 2010, Counsel for Plaintiff originally learned what had happened and took notes upon his call sheet thereto, as showing the July 14, 2010 date for status.

9. Hopefully, the Court Clerk will return to using the correct email address so no more dates will be missed.

10. Plaintiff had no idea it was to have been noticed a motion to compel or hearing thereon until July 14, 2010 and did not purposely miss any date and apologizes for any misunderstandings.

11. Plaintiff's counsel's email has been checked by his secretary, who also had no knowledge of the incorrect email address being used and, as of July 21, 2010, has made certain that the primary email address for this case is the correct one being used by the U.S. District Court Clerk (see Exhibit B).

12. Plaintiff has answers to the request to produce ready for filing, instant.

13. Plaintiff seeks this Court reinstate this cause as its counsel had no knowledge of the June 24, 2010 or June 29, 2010 dates.

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WHEREFORE, the Plaintiff, INTERNATIONAL GOLDEN FOODS, INC., respectfully requests this Court to reconsider and vacate the dismissal order entered on June 24, 2010, as became final, prejudicially, on or after June 29, 2010, as aforestated or as is otherwise just and proper, and reinstate such cause and allow completed discovery to be tendered.

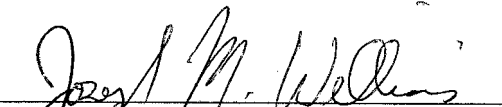
Respectfully submitted,

By: /s/ Joseph M. Williams
Joseph M. Williams

Joseph M. Williams
Attorney for Plaintiff
810 N. Arlington Heights Road
Itasca, IL 60143
(630) 346-4472
Atty No. 03128789

VERIFICATION

I, Joseph M. Williams, do hereby state upon oath that I have read the foregoing Verified Motion to Reconsider and Vacate, etc., and that the statements contained therein are true and factual to the best of my knowledge and belief.

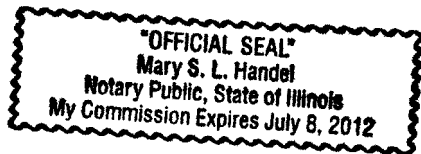


Joseph M. Williams
03128789

SUBSCRIBED and SWORN to before me
this 21st day of July, 2010.



Notary Public



UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 4.0.3
Eastern Division

International Golden Foods, Inc., et al.

Plaintiff,

v.

Case No.: 1:09-cv-03875

Honorable James B. Zagel

DSV Air and Sea, Inc, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Monday, April 5, 2010:

MINUTE entry before Honorable James B. Zagel: Discovery deadline extended to 5/31/2010. Status hearing (4-14-2010) is reset for 6/11/2010 at 10:00 AM. Mailed notice(drw,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

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EXHIBIT "A"



AFFIDAVIT

I, Mary Handel, being first duly sworn upon oath, state as follows:

1. That Affiant is of legal age and if called upon to testify, would state that which is contained herein to be true and accurate.
2. Affiant is the secretary to Attorney Joseph M. Williams.
3. That Joseph M. Williams represents the plaintiff, International Golden Foods, Inc., in a case filed in the United States District Court for the Northern District of Illinois, Eastern Division, as Case No. 99 CV 3875
4. It was discovered that an important notice was sent to the incorrect email address, which resulted in Mr. Williams missing a court hearing and the Judge entering a dismissal order in this matter on June 24, 2010.
5. Affiant found Plaintiff's counsel's email address was incorrectly shown as jlmwilliams@yahoo.com. The correct email address is joseph9248@sbcglobal.net.
6. On July 21, 2010, Affiant electronically corrected the email address for Plaintiff's counsel.

Further Affiant sayeth naught.


Mary Handel

SUBSCRIBED and SWORN to before me
this 21st day of July, 2010.


Notary Public

